IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.8740 of 2005

Union of India through General
Manager, Central Railway, Mumbai
CST & Anr.....Petitioners

Versus

Mr. Mohd. Usman A. Bari....Respondents

Mr. S.C. Dhawan, Asst. Solicitor General with Mr. T.J. Pandian, for the Petitioners
Mr. S. Ramamurthi, for the Respondent.

CORAM: F.I. REBELLO &
DR. D.Y.CHANDRACHUD, JJ.
DATE : 24th January,2006

P.C.:

. Petitioners have approached this Court against the order dated 29th July, 2005 passed by the Central Administrative Tribunal, Mumbai Bench, Mumbai. The Tribunal was hearing the matter pursuant to an order of remand made by this Court on 25th January, 2005 in Writ Petition No.3415 of 2000. By that order the learned Bench had directed the Tribunal to decide the matter on merits which the Tribunal has done. The Tribunal, however, noted the finding by the Division Bench that the person who has imposed punishment was junior to the subordinate authority. The O.A. was allowed with liberty to the petitioners herein to take steps as set out in the order. It is this order which is subject matter of challenge before this Court. We may also note that in so far as the merits of the matter is concerned, the Tribunal has

found in favour of the petitioners herein.

2. Considering the controversy and the earlier finding of this Court, in our opinion, the order of the Tribunal cannot be faulted. In so far as its finding regarding the Disciplinary Authority is concerned, the petition as filed challenging that part of the order Writ would not be maintainable.

3. However, it will be open to the petitioners to take such steps in law which they are entitled to including by way of filing review petition against the order passed in Writ Petition No.3415 of 2000 dated 25th January, 2005 if permissible in law.

4. Considering the controversy the respondent not to take steps to enforce the order of the Tribunal for a period of eight weeks from today.

(F.I.REBELLO, J.)

(DR. D.Y.CHANDRACHUD, J.)